UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1994/819
12 July 1994

ORIGINAL: ENGLISH

THE SITUATION CONCERNING WESTERN SAHARA

Report by the Secretary-General

I. INTRODUCTION

1. The present report is submitted to the Security Council in pursuance of Council resolution 907 (1994) of 29 March 1994. It is divided into six main sections. Sections II and III provide an update on the activities of the military and the civil police components of the United Nations Mission for the Referendum in Western Sahara (MINURSO) since my reports of 10 and 21 March 1994 (S/1994/283 and Add.1 and Add.1/Corr.1). Sections IV and V cover all other subsequent developments. Section VI contains my observations and recommendations.

II. MILITARY ASPECTS

2. As of 30 June 1994, the military component of MINURSO, headed by the Force Commander, Brigadier-General André Van Baelen (Belgium), totalled 242 personnel, comprising 223 military observers and 19 military support personnel, as follows:

(a) Military observers and headquarters personnel

Argentina	4
Austria	4
Bangladesh	7
Belgium	1
China	20
Egypt	9
France	30
Ghana	4
Greece	1
Guinea	1
Honduras	14
Ireland	9
Italy	6
Kenya	10

Malaysia	6
Nigeria	1
Pakistan	4
Poland	2
Russian Federation	27
Switzerland	1
Tunisia	9
Uruguay	15
United States of America	29
Venezuela	9
Total	223

(b) Military support personnel

(i)	Movement control: Honduras	2
(ii)	Medical Unit: Switzerland	9
(iii)	Clerical: Ghana	8
	Total	19
	Grand total	242

3. Pending the fulfilment of the conditions necessary for the commencement of the transitional period in accordance with the settlement plan (S/21360 and S/22464 and Corr.1), the military mandate of MINURSO remains restricted to monitoring and verifying the cease-fire. Accordingly, the deployment of the military component of MINURSO continues to be limited to military observers and the necessary military support personnel.

4. Both parties have continued to support the cease-fire, which has been in effect since 6 September 1991. During the reporting period, only one cease-fire violation was observed, and this was related to an unauthorized movement of a Royal Moroccan army convoy.

5. During the reporting period, a military observer from Uruguay was injured during a patrol in Mahbas subsector when his vehicle ran over a mine. An investigation is being conducted.

6. In my report of 10 March 1994, I advised the Security Council that the Governments of Australia, Canada and Switzerland - which provided the signals, movement control and medical units respectively - had informed me of their intention to withdraw these units from MINURSO between May and June 1994. In addition, the Government of Canada had indicated that it also intended to withdraw its military observers at the same time. I informed the Security Council that a number of Member States had been approached for replacement units, and I am pleased to report that the necessary arrangements for the replacement of these support units have been made.

7. The Australian signals contingent withdrew from the mission on 20 May 1994. The communications duties performed by the contingent have been taken over by military observers. Nine additional military observers have been deployed to MINURSO for this purpose.

8. While the main elements of the Swiss medical unit withdrew from the Mission on 18 June 1994, the Government of Switzerland has kept a small medical team of 10 personnel in the Mission until the arrival of the replacement medical unit. The replacement unit will be provided by the Republic of Korea and is scheduled to begin deployment by the middle of August 1994.

9. The Canadian contingent withdrew from the Mission on 29 June 1994. The Canadian movement control unit is being replaced by civilian staff. Two Honduran military personnel are also attached to this section.

10. When the transitional phase of the settlement plan is initiated, it will be necessary for MINURSO's communications and movement control elements to be replaced by full military support units.

III. CIVIL POLICE

11. During the reporting period, there have been no changes either in the number or the composition of the civilian police. The Security Unit of MINURSO is still composed of 26 police officers, including the Police Commissioner, Colonel Jürgen Friedrich Reimann (Germany):

Austria	6
Germany	5
Malaysia	5
Togo	5
Uruguay	5
Total	26

12. Activities of the civil police are linked to those of the Identification Commission and will expand as the work of the Commission increases. Current responsibilities include 24-hour security at centres in Laayoune (Western Sahara), Tindouf (Algeria) and Zouerate (Mauritania), where sensitive documentation is kept, coordination of logistics related to the Commission's work and other technical and physical support as appropriate.

13. In pursuance of Security Council resolution 907 (1994), the civil police component of MINURSO will be strengthened by 29 additional personnel, 24 of whom are scheduled to be deployed to the Mission by the end of July. These additional police officers will facilitate the anticipated expanded activities of the Identification Commission.

IV. PREPARATORY WORK FOR THE IDENTIFICATION AND REGISTRATION OF POTENTIAL VOTERS

Consultations in pursuance of Security Council resolution 907 (1994)

14. In its resolution 907 (1994), the Security Council agreed to the course of action outlined in option B of my report of 10 March 1994 (S/1994/283). In this course of action, the Identification Commission would analyse all applications received and proceed with the identification and registration of potential voters by 30 June 1994 on the basis of the compromise proposal of the Secretary-General on the interpretation and application of the criteria for voter eligibility, the terms of reference of the Identification Commission and the relevant provisions of the settlement plan. The Council supported my intention to continue efforts to obtain the cooperation of both parties and urged strict compliance with the timetable of option B, with a view to holding the referendum by the end of 1994.

15. On 15 March 1994, I appointed the Chairman of the Identification Commission, Mr. Erik Jensen, as Deputy Special Representative. In conformity with the plan, the Deputy Special Representative is in charge of the Mission during any absence of my Special Representative from the Mission area.

16. Upon the adoption by the Security Council of resolution 907 (1994), the Deputy Special Representative requested urgent meetings with both parties to discuss implementation of that resolution. During the first week of April, and again on 25 and 26 April, he met in the Tindouf area with Secretary-General Mohamed Abdelaziz and other senior officials of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO). During the second week of April, he met in Rabat with Mr. Driss Basri, the Moroccan Minister of the Interior and Information. In the course of these meetings, each party agreed to implement the provisions of resolution 907 (1994). Mr. Basri further agreed that Morocco would open additional offices to enable the Saharan population in all parts of Laayoune, as well as Smara, Boujdour and Dakhla, to complete application forms for participation in the referendum. The Frente POLISARIO confirmed their agreement in a letter to the Deputy Special Representative dated 30 April 1994, in response to a letter he had addressed to the two parties on 27 April. In a letter to me dated 20 May 1994, His Majesty King Hassan II reiterated the commitment of the Government of Morocco to respect the deadlines set by the Security Council.

17. During May 1994, the Deputy Special Representative held at Rabat a series of consultations with the Minister of the Interior and Information and Mr. Abdellatif Filali, Prime Minister and Minister for Foreign Affairs of Morocco, regarding procedural, legal and logistical matters. He was received in audience by His Majesty King Hassan II, who assured him of his full support and renewed the commitment of his Government to the referendum process. The Deputy Special Representative met several times again in the Tindouf area with the POLISARIO Coordinator with MINURSO and other officials to discuss various relevant issues.

18. In Algiers, the Deputy Special Representative met with Mr. Mohamed Salah Dembri, Minister for Foreign Affairs, and Mr. Mohamed Hanèche,

Secretary-General of the Ministry for Foreign Affairs. He was assured of the commitment of the Government of Algeria to a peaceful and lasting solution to the long-standing problem of Western Sahara. In Nouakchott, he was received by the President of Mauritania, Mr. Maaouya Ould Sid'Ahmed Taya, who gave his agreement to the opening of offices for the distribution and receipt of application forms. It was agreed that these offices, identified with United Nations flags and insignia, could open in the population centres of Nouadhibou and Zouerate, where Saharans were known to be living.

19. From 26 to 30 June 1994, the Special Representative and his Deputy held further meetings at Rabat and Algiers. The Special Representative was received in audience by His Majesty King Hassan II. At Algiers, the Special Representative and his Deputy held consultations with the Secretary-General of the Ministry of Foreign Affairs and also met with officials of the Frente POLISARIO.

Procedures relating to the identification and registration of potential voters

20. During the reporting period, application forms were provided to the parties, as requested, for distribution to potential voters. As requested by the Deputy Special Representative in a letter dated 27 April 1994, both sides began delivering completed application forms to the Identification Commission in May 1994 to enable it to analyse the data received and start identifying and registering potential voters in early June, in accordance with its provisional calendar of work submitted to the parties on 5 May. As of 4 July 1994, about 55,000 completed forms had been collected in the Territory, over 18,000 in the Tindouf area and over 3,000 in Zouerate. Of the applications received, about 20,000 have so far been processed by MINURSO staff especially assigned and trained for this purpose. The Commission expects to receive additional completed forms in the coming weeks.

21. In preparation for voter registration and identification, the Identification Commission staff have been thoroughly briefed on the criteria and documentation required to ascertain voter eligibility, and have undergone intensive training in the computer software to be used for identification purposes. Numerous simulations were conducted to alert staff to the required procedures and possible difficulties in the voter identification and registration process.

22. Clear procedures and guidelines have been developed to assist the identification teams in their work. The sheikhs and official observers, i.e. representatives of the two parties and the Organization of African Unity (OAU), will be provided with written instructions defining their duties. Information sheets will also be given to applicants, explaining the identification process step by step.

23. After having been photographed and fingerprinted, each applicant will appear before the identification team, which, in the presence of the relevant sheikhs and the official observers, will question the applicant concerning his or her identity and eligibility. Each applicant will be asked to submit the original of any document in his or her possession that may establish his or her identity and eligibility. The sheikhs, as appropriate, will be allowed to

examine such documents. They will be asked to take an oath under which they will swear to the truthfulness of any testimony they give. They will also be asked to sign a statement summarizing their testimony concerning each applicant. In conformity with its mandate (see S/26185, annex II), the Commission is empowered to take final eligibility decisions. The Commission members will review the evidence and testimony provided at the interview and will communicate a final decision concerning identification and eligibility in due course. The written information sheets given to each applicant will inform the applicants of their respective rights.

24. In accordance with the settlement plan, the official observers will be invited to submit to the Identification Commission any comments in writing, within 24 hours of the interview. These comments will be confidential and will not be communicated to the other party or to the sheikhs.

25. Once decisions have been made on voter eligibility, the Identification Commission will publish a voters' list and applicants will then receive their voter's registration card from the centres. Applicants who do not appear on the voters' list have the right to appeal the Commission's decision. Similarly, persons on the list have the right to challenge the inclusion of persons they do not believe qualified.

Announcement of the launching of the identification process

26. On 1 June 1994, the Deputy Special Representative announced the launching of the identification process, after the two parties had agreed on two tribal subfractions with which to start and on the relevant sheikhs to assist the Commission in determining the identity and eligibility of applicants members of those subfractions. Arrangements were also agreed upon for the travel, security and accommodation of the sheikhs concerned, as well as the representatives of the parties who were to observe the process. As agreed in exchanges of letters between the Special Representative and the Government of Morocco, Frente POLISARIO and the Government of Algeria between May and October 1993, it was understood that, in the performance of their duties with the Identification Commission, the sheikhs and observers of the parties were accorded immunities and privileges under articles VI and VII of the Convention on Privileges and Immunities of the United Nations.

27. The Identification Commission was scheduled to start identifying and registering potential voters on 8 June, simultaneously at Laayoune and the El-Aiun refugee camp in the Tindouf area. In conformity with the plan, the Commission was to undertake its work with the assistance of the tribal chiefs (sheikhs) and in the presence of observers of the two parties and OAU. However, the question of the designation of OAU observers could not be resolved in time to enable the Commission to start as scheduled.

The question of observers from the Organization of African Unity

28. It will be recalled that in the settlement proposals of the Secretary-General of the United Nations and the Chairman of OAU (S/21360, paras. 26 and 39), the referendum is to be organized and conducted by the United Nations, in cooperation with OAU, during a transitional period. The OAU representatives

are to be invited by the Special Representative to observe the organization and conduct of the referendum, without prejudice to his authority as provided for in the settlement proposals and plan. Under the plan (S/21360, para. 46), they are to be associated with the process throughout as official observers who may submit their observations at any stage to the Special Representative for his consideration and such action as he deems appropriate. In particular, they will participate, as appropriate, in the work of the Identification Commission and the Referendum Commission of MINURSO.

29. Pursuant to the settlement plan and Security Council resolution 809 (1993) of 2 March 1993, the Special Representative invited, in a note verbale dated 28 May 1993, the then Chairman of OAU, President Abdou Diouf of Senegal, to appoint two representatives of OAU as official observers of the work of the Identification Commission. In a note verbale dated 3 August 1993, the Executive Secretary of OAU to the United Nations informed the Special Representative of the designation, on instructions from the OAU Chairman, of two OAU secretariat officials as observers to the Identification Commission. At the request of the OAU secretariat, the Special Representative provided general modalities for the participation of OAU in the implementation of the settlement plan on 5 August 1993 and specific modalities for their participation in the work of the Identification Commission on 22 October 1993.

30. In a letter to me dated 19 August 1993, the Minister for Foreign Affairs of Morocco noted that the OAU observers had been designated from among officials of the secretariat of an organization which, in admitting the "pseudo SADR" as a member, had already prejudged the outcome of the referendum. He said Morocco would acquiesce in the participation of OAU only if the latter adopted "a rational position with regard to the right of the populations of Western Sahara for self-determination, by at least suspending the participation of the 'pseudo SADR' in the activities of the OAU". He added that, "on the other hand, Morocco would not object to the designation by His Excellency President Hosni Mubarak of Egypt of personal representatives to follow, in his name, the work of the Identification Commission in conformity with the relevant provisions of the settlement plan".

31. On 2 June 1994, a note verbale from MINURSO advised Morocco and the Frente POLISARIO in New York of the imminent start of the identification and registration process and the participation of the two designated OAU observers in the process. The parties were also advised that these observers would be accorded immunities and privileges in accordance with articles VI and VII of the Convention on Privileges and Immunities of the United Nations. In a note verbale dated 11 June 1994, the Frente POLISARIO accepted the status conferred on the OAU observers. In a letter to me dated 8 June, the Prime Minister of Morocco confirmed Morocco's agreement to the immunities and privileges accorded by the United Nations to the OAU observers. He reiterated, however, that these observers should be designated personally by the current Chairman of OAU and stressed that they should not be officials of the OAU secretariat. Questioning the impartiality of OAU, he said the latter "could not claim any participation in the organization of the referendum" if it "persisted in recognizing the 'so-called SADR' as a member and thus as an 'independent State' exercising its 'sovereignty' over the territory". He said Morocco had hoped that OAU would, at the very least, have suspended membership of the "Sahrawi Arab Democratic

Republic (SADR)" until completion of the referendum. He noted, however, that during consideration by the Security Council of recent resolutions, the OAU secretariat had, in Morocco's view, attempted to hinder rather than facilitate the implementation of the plan. In response to a note verbale from MINURSO dated 8 June 1994, the Frente POLISARIO accepted on 11 June the status conferred on the OAU observers. The leadership of the Frente POLISARIO subsequently stressed that the identification operation could only begin with an OAU presence.

32. In letters dated 17 June 1994 addressed to the Minister for Foreign Affairs of Tunisia and the Secretary-General of OAU, I drew the attention of President Ben Ali and Mr. Salim Ahmed Salim to the position of Morocco on the question of OAU observers and forwarded its Prime Minister's letter to me of 8 June 1994. Under the circumstances and in order not to delay further the beginning of the identification and registration process, I invited President Ben Ali, in his capacity as current Chairman of OAU, to designate his representatives as soon as possible, in consultation with OAU Secretary-General Salim Ahmed Salim. I stressed that, at this crucial stage in the process, the continued cooperation and support of OAU was more important than ever to the success of the operation. On 8 July 1994, I contacted Minister for Foreign Affairs of Tunisia Ben Yahia to request a speedy settlement of that problem, which was, in the final analysis, of a rather marginal nature. However, the problem had not yet been settled at the time of the preparation of the present report.

V. OTHER ASPECTS RELEVANT TO THE FULFILMENT OF THE SETTLEMENT PLAN

33. In its resolution 907 (1994) the Security Council also requested me to report on other aspects relevant to the fulfilment of the settlement plan. In this context, it may be useful to recall the main elements of the plan as described in my predecessor's report of 18 June 1990 (S/21360). During the transitional period, the United Nations is to organize and conduct a referendum in the Territory to enable the people of Western Sahara to choose between independence and integration with Morocco. To this end, there is to be a cease-fire followed by an exchange of prisoners of war, a reduction in the Moroccan troops in the Territory and confinement of the combatants of both sides to specific locations. In order to ensure that the necessary conditions exist for the holding of a free and fair referendum, the United Nations will monitor other aspects of the administration of the Territory, especially the maintenance of law and order. Following the proclamation of an amnesty, political prisoners will be released. All laws or regulations which might impede the holding of a free and fair referendum will be suspended as deemed necessary. All refugees and other Western Saharans resident outside the Territory who wish to return will be enabled to do so by the United Nations, after the latter has established their right to vote.

34. An overview of these main elements of the plan, and activities undertaken or to be undertaken accordingly, is provided below.

Authority of the United Nations

35. In the settlement proposals of the Secretary-General of the United Nations and the current Chairman of OAU (S/21360, part I), to which Morocco and the Frente POLISARIO agreed in principle in August 1988, the two parties recognized that sole and exclusive responsibility for the organization and conduct of the referendum was vested in the United Nations. They had thus accepted that the Organization would have the authority to take the legislative and administrative steps necessary to accomplish that purpose. Accordingly, my predecessor issued on 8 November 1991 general regulations governing the organization and conduct of the referendum (S/26185, annex III), which essentially embody the relevant provisions of the settlement proposals, and I promulgated on 26 April 1993 the mandate of the Identification Commission of MINURSO (ibid., annex II).

36. As provided for in the plan (S/21360, paras. 47 (a) and 58), my Special Representative, acting under my authority and, as necessary, on instructions from and in consultation with me, has sole and exclusive responsibility over all matters with regard to the organization and conduct of the referendum. The above regulations authorize the Special Representative, and relevant components of MINURSO acting with his consent, to issue rules and instructions, consistent with the regulations, which give detailed effect to the regulations. The regulations, rules and instructions will provide the fundamental basis for the organization and conduct of the referendum and will thus, to the extent of their incompatibility, prevail over existing laws or measures in force in the Territory.

Transitional period

37. As may be recalled, the transitional period was to begin on "D-Day", with the coming into effect of the cease-fire on 6 September 1991. However, the start of the transitional period and D-Day have had to be postponed during the past three years as a result of delays in the completion of preparatory work, which were caused by fundamental differences over interpretation of the settlement plan, in particular the criteria for eligibility of voters. While the Frente POLISARIO has accepted the criteria enunciated by my predecessor in his report of 19 December 1991 (S/23299), it has maintained its reservations on some key provisions of my compromise proposal concerning the interpretation and application of the criteria (S/26185, annex I). The POLISARIO leadership has nevertheless agreed that the Identification Commission should proceed with the identification of potential voters as requested by the Security Council in its resolution 907 (1994).

38. On the assumption that the Identification Commission will soon be able to proceed with the identification and registration of potential voters as requested by the Security Council in its resolution 907 (1994), and that the Council subsequently decides to hold the referendum, it is my intention to recommend in my next report that the transitional period should start on 1 October 1994 and end with the proclamation of the results of the referendum, which should take place on 14 February 1995, as proposed in the revised timetable annexed to the present report.

Exchange of prisoners of war

39. The settlement proposals and plan provide for an exchange of prisoners of war under the auspices of the International Committee of the Red Cross (ICRC). Since the inception of MINURSO, the Special Representative has kept ICRC informed of the situation concerning Western Sahara. ICRC held recent consultations with the two parties on preliminary steps towards the fulfilment of its mandate. It is my earnest hope that further sustained efforts will enable ICRC to ensure the release of all prisoners of war from both sides as soon as possible after 1 October 1994.

Reduction of Moroccan troops in the Territory

40. As stated in paragraph 14 of my predecessor's report of 19 April 1991 (S/22464 and Corr.1), Morocco had undertaken to reduce its troops in the Territory to a level not exceeding 65,000, all ranks, within a period of 11 weeks from the coming into effect of the cease-fire on D-Day. My predecessor had accepted this as an appropriate, substantial and phased reduction in accordance with the settlement proposals. Should the Security Council decide, on the basis of my next report, that D-Day will be on 1 October 1994, I will then recommend that the reduction of Moroccan forces in the Territory should be completed not later than 15 December 1994.

Confinement of troops to designated locations

41. Paragraph 15 of document S/22464 states that, in accordance with paragraph 56 of document S/21360, all remaining Moroccan troops will be located in static or defensive positions along the sand wall, with the limited exceptions mentioned in that paragraph. All will be monitored by the military observers of MINURSO, who will be collocated with Moroccan subsector headquarters on the sand wall and with the support and logistics units remaining elsewhere in the Territory. The military observers will conduct extensive patrols by land and air to ensure observance of the cease-fire and the confinement of the Moroccan troops to the designated locations. They will also monitor the custody of certain arms and ammunition.

42. As regards Frente POLISARIO troops, the plan states that the Special Representative will, in accordance with the settlement proposals, designate the locations to which they will be confined, with their arms, ammunition and military equipment. They will be monitored by the military observers of MINURSO, who will be deployed at each of the designated locations (S/22464, para. 16). In that regard, the Governments of Algeria and Mauritania have indicated their readiness to cooperate with the Special Representative (S/21360, para. 57). It is my intention to take a final decision on the matter shortly before 1 October 1994, bearing in mind the consultations held by the former Special Representative in 1991 and any further views which I may seek from the two parties and the neighbouring countries on this question.

Release of political prisoners and detainees

43. As provided for in the plan (S/21360, paras. 33 (b) and 70), the Special Representative will, in cooperation with the parties and with the assistance of

an independent jurist appointed by the Secretary-General, take steps to ensure the release of all Saharan political prisoners and detainees before the beginning of the referendum campaign, so that they can participate freely and without restriction in the referendum. To this end an amnesty will be proclaimed as the first stage. Any difference concerning the release of political prisoners or detainees will be settled in a manner satisfactory to the Special Representative.

44. Mr. George Abi Saab (Egypt), who was appointed independent jurist by my predecessor, undertook preliminary research work on the question in 1991. Efforts will be pursued with the parties to ensure that, following the proclamation of an amnesty as soon as possible after 1 October 1994, all Saharan political prisoners or detainees will be released well before the referendum campaign begins on 25 January 1995, as proposed in the timetable below.

Suspension of laws which might impede a free and fair referendum

45. Under the plan (S/21360, paras. 33 (a) and 71), the Special Representative is to ensure, before the beginning of the referendum campaign, that the authorities involved suspend any law or measure which, in his judgement, could obstruct the conduct of a free and fair referendum and which would not otherwise be superseded by the regulations, rules and instructions referred to in paragraph 58 of document S/21360. Preliminary work on this question was undertaken by the Office of the Special Representative in early 1992. I expect to have this work completed before 15 December 1994, in accordance with the timetable annexed to the present report.

Organization of the referendum

46. The plan provides for the establishment of a referendum commission, to assist the Special Representative in the organization and conduct of the referendum. The functions of the Referendum Commission, which include measures for the referendum campaign and the actual conduct of the referendum, are specified in paragraphs 63 to 66 of document S/21360 and further detailed in paragraphs 25 to 31 of document S/22464. As required by the plan, I shall issue terms of reference for this Commission in due course. The Referendum Commission will absorb appropriately qualified staff of the Identification Commission, upon completion of the latter's tasks of identification and registration in November 1994.

47. As may be recalled, both parties accepted my predecessor's proposal to establish a code which would govern their conduct and behaviour and that of their supporters during the referendum campaign. The purpose of the code of conduct is to ensure that, while there is freedom of political campaign, there will also be a consequent responsibility placed on all concerned to accept others' freedom to campaign (see S/22464, para. 28). Further to that proposal, the Office of the Special Representative prepared a draft code of conduct in early 1992. It is my intention to finalize this draft in the coming weeks in consultation with the parties.

48. As stated in paragraph 30 of document S/22464, an adequate number of polling stations will be established throughout the Territory in order to give

all eligible Western Saharans the opportunity to vote in the referendum. Voting will take place only in the Territory. The precise locations of the polling stations will be determined on the basis of the data collected during the registration of voters, as well as existing population centres and areas where returning Western Saharans will have been located.

Return of refugees, other Western Saharans and members of the Frente POLISARIO entitled to vote

49. The modalities for the repatriation of those Western Saharans who are identified as eligible to vote in the referendum and who wish to return to the Territory to do so, are described in document S/21360 (paras. 33 (c) and (d) and 72-74) and further detailed in document S/22464 (paras. 34-36). The Office of the United Nations High Commissioner for Refugees (UNHCR) is to be responsible for the repatriation programme, which forms an integral part of the MINURSO operation and is to be carried out in accordance with the mandate of UNHCR. Its task will be threefold: to ascertain and record the repatriation wishes of each Western Saharan as he or she is registered as a voter by the Identification Commission; to issue the necessary documentation to the members of his or her immediate family; and to establish and manage, in cooperation with MINURSO, which will provide security, the reception centres that will be established in the Territory for the returning Western Saharans.

50. It is intended that repatriation will begin shortly after completion of the work of the Identification Commission, i.e. on 15 December 1994, and will be completed immediately before the beginning of the referendum campaign on 25 January 1995. As indicated in paragraph 36 of document S/22464, UNHCR will thereafter maintain a presence in the Territory, as necessary, in order to fulfil its monitoring role for returnees, in accordance with its internationally accepted responsibilities.

The referendum and proclamation of its results

51. Under the plan (S/21360, paras. 47 (j) and 75 and 76), the referendum should be held 24 weeks after D-Day and its results should be proclaimed within 72 hours. The Special Representative will have the authority to determine whether circumstances require any alteration in these deadlines. If the decision is for independence, the withdrawal of all remaining Moroccan troops will begin within 24 hours and will be completed within 6 weeks. The withdrawal will be monitored by the Military Unit of MINURSO. If the decision is for integration with Morocco, the demobilization of any Frente POLISARIO troops who have not returned to take part in the referendum will begin within 24 hours of the proclamation of the result and will be completed within 4 weeks, under the monitoring of the Military Unit of MINURSO. As soon as the results of the referendum have been proclaimed, the Special Representative will begin to reduce United Nations personnel in Western Sahara. The Special Representative and his remaining civilian and military staff will complete their withdrawal as soon as possible after all the tasks assigned to them by the Security Council have been satisfactorily carried out.

52. It is my intention to formulate in due course detailed modalities for giving effect to the above provisions of the plan.

V. OBSERVATIONS

53. During the reporting period, the Identification Commission focused its efforts on achieving the agreement and cooperation of both parties in order to proceed with the identification of potential voters. As a result, the Commission succeeded in completing, with the cooperation of the parties, all the necessary groundwork for launching the process. However, it could not start the identification operation because of the difficulty over the OAU observers described in paragraphs 28 to 32 of the present report.

54. In order to overcome this difficulty, I have held extensive consultations with the current Chairman and the Secretary-General of OAU and with other interested parties. I shall continue to make every effort to ensure that observers chosen by the current Chairman of OAU arrive in the Mission area as soon as possible to enable the Identification Commission to start the identification and registration of potential voters, as requested by the Security Council in its resolution 907 (1994).

55. Meanwhile, the Identification Commission has collected a total of over 75,000 completed application forms, of which 20,000 have so far been processed and analysed. The Commission intends to set 31 August 1994 as the deadline for receipt of applications. As all the necessary procedural, logistical and technical arrangements have been made to enable the Commission to start identifying and registering potential voters, any further delays in launching this operation will obviously result in considerable waste of resources.

56. As indicated in paragraph 38 of this report, it would be my intention to recommend that the transitional period should start on 1 October 1994 and that the referendum should take place on 14 February 1995, should the Security Council decide on the basis of my next report that the referendum should be held in fulfilment of the settlement plan.

57. If the timetable in the annex to this report is to be implemented, the question of the OAU observers will have to be resolved as soon as possible in order to permit the identification operation to begin this month or in August at the latest. The interview process will be complicated and time-consuming. In this unprecedented experience involving a tribal nomadic society, it is impossible to predict the number of applications to be processed and to determine with accuracy the time required for the identification and registration of potential voters and for appeals procedures. According to the best estimates provided by MINURSO, the Identification Commission would require at least 40 teams of three to four members each to be able to complete its tasks in November 1994.

58. As regards other aspects relevant to the fulfilment of the plan, it is my intention, in the forthcoming weeks, to give priority to the conclusion of a code of conduct and the confinement of troops in designated locations, among other questions raised in section V of the present report. Arrangements for the confinement of each party's combatants would require Member States to be willing to provide MINURSO with the military personnel needed.

59. On the basis of the above considerations, I intend to submit to the Security Council a final progress report before the end of August 1994, in pursuance of Council resolution 907 (1994).

Annex

Proposed timetable for fulfilment of the United Nations Mission in Western Sahara

- July-August 1994: The Commission begins to identify the persons qualified to participate in the referendum and to register them as eligible voters, upon presentation and verification of evidence establishing their identity and eligibility to vote. The Commission also announces arrangements for the appeals process.

- Before 1 October 1994: The Special Representative designates locations for the confinement of POLISARIO combatants; initiates discussions with the two parties about a code governing their conduct and that of their supporters during the referendum campaign; and, with the assistance of the independent jurist appointed by the Secretary-General, makes preliminary arrangements for the release of political prisoners or detainees. The International Committee of the Red Cross makes preliminary arrangements for the release of prisoners-of-war.

- 1 October 1994: The transitional period begins. The combatants of the two sides are confined to designated locations. All MINURSO units (except infantry battalion, 200 CIVPOL officers and some UNHCR and referendum personnel) are deployed to the Mission area.

- As soon as possible after 1 October 1994: Prisoners-of-war are exchanged. Amnesties for political prisoners and detainees and for returnees are proclaimed; all political prisoners or detainees are released.

- November 1994: The remaining 200 CIVPOL officers are phased in. The infantry battalion (700) and additional UNHCR personnel are deployed to the Mission area. The Identification Commission completes the identification and registration of voters. The Secretary-General approves and publishes the final list of voters.

- Not later than 15 December 1994: The reduction of Moroccan forces in the Territory is completed. All laws or measures that could obstruct the conduct of a free and fair referendum are suspended.

- 15 December 1994: The repatriation programme begins. The paramilitary units in the existing police forces are neutralized.

- 25 January 1995: The repatriation programme is completed. The referendum campaign begins. Additional polling staff are deployed to the Territory.

- 14 February 1995: The referendum campaign ends and the referendum takes place. The results are proclaimed. The withdrawal of MINURSO personnel begins.

- March 1995: MINURSO's monitoring responsibilities arising from the referendum results are completed.